

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86312702
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/86312702/large
LITERAL ELEMENT	SAPORE ITALIANO
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR(S) CLAIMED (If applicable)	Color is not claimed as a feature of the mark.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the stylized word "SAPORE" on top, where the "O" is in the form of a drop, and the word "ITALIANO" is on a rectangular border below with a shallow arc in the border under the drop.
ARGUMENT(S)	
<p>This is in response to the final action of April 24, 2015. The Examining Attorney has continued the refusal under Section 2(e)(1) that the mark is merely descriptive of a feature of Applicant's goods. Although Applicant disagrees that its mark is merely descriptive of the flavor of Applicant's goods, and believes that the stylization of its mark is sufficient to permit registration with all the wording, Applicant is requesting transfer of the application to the Supplemental Register. Applicant also hereby withdraws its disclaimer of "ITALIANO."</p>	
ADDITIONAL STATEMENTS SECTION	
SUPPLEMENTAL REGISTER	The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').
MISCELLANEOUS STATEMENT	Please delete the disclaimer currently of record of "ITALIANO."
SIGNATURE SECTION	
RESPONSE SIGNATURE	/judith l grubner/
SIGNATORY'S NAME	Judith L. Grubner

SIGNATORY'S POSITION	Attorney of record, Illinois bar member
SIGNATORY'S PHONE NUMBER	312-876-7100
DATE SIGNED	10/22/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Oct 22 18:25:11 EDT 2015
TEAS STAMP	USPTO/RFR-38.98.146.1-201 51022182511203756-8631270 2-5402df94aee3521df0c1efb 2fb966acce3c0b21ae6e66246 38dbe7dc24a8fa7efb-N/A-N/ A-20151022181411643852

PTO Form 1960 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86312702** SAPORE ITALIANO (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/86312702/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

This is in response to the final action of April 24, 2015. The Examining Attorney has continued the refusal under Section 2(e)(1) that the mark is merely descriptive of a feature of Applicant's goods. Although Applicant disagrees that its mark is merely descriptive of the flavor of Applicant's goods, and believes that the stylization of its mark is sufficient to permit registration with all the wording, Applicant is requesting transfer of the application to the Supplemental Register. Applicant also hereby withdraws its disclaimer of "ITALIANO."

ADDITIONAL STATEMENTS

Supplemental Register

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').

Miscellaneous Statement

Please delete the disclaimer currently of record of "ITALIANO."

SIGNATURE(S)**Request for Reconsideration Signature**

Signature: /judith l grubner/ Date: 10/22/2015

Signatory's Name: Judith L. Grubner

Signatory's Position: Attorney of record, Illinois bar member

Signatory's Phone Number: 312-876-7100

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86312702

Internet Transmission Date: Thu Oct 22 18:25:11 EDT 2015

TEAS Stamp: USPTO/RFR-38.98.146.1-201510221825112037

56-86312702-5402df94aee3521df0c1efb2fb96

6acce3c0b21ae6e6624638dbe7dc24a8fa7efb-N

/A-N/A-20151022181411643852